



BEFORE THE VIRGINIA GAS AND OIL BOARD

RELIEF

An Order for Disbursement of Escrowed Funds

SOUGHT:

(and Authorization for Direct Payment of Royalties)

JURISDICTION:

Code of Virginia § 45.1-351. (et seq) AND § 45.1-361.22 (et seq)

UNIT/WELL NAME: AV100

TRACT(S):

1F. 1G

LOCATION:

BUCHANAN County, Virginia

DOCKET NUMBER: VGOB-04-0720-1306-01

APPLICANTS:

CNX Gas Company LLC on behalf of Darrell Hess, Harrison-Wyatt, LLC, Herman Hess

HEARING DATE AND LOCATION:

Russell County Government Center, Lebanon, Virginia

December 17, 2013

APPEARANCES:

Mark A. Swartz on behalf of CNX Gas Company LLC

PRIOR PROCEEDINGS:

1. Original Pooling Order Executed 12/10/2004, Recorded on 12/15/2004, Deed Book/Instrument No. 608, Page 725.

NOTICE:

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the December 17, 2013 hearing and considered whether to:

- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract(s) 1F, 1G identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 1F, 1G relative to the interests of the Applicants identified in the attached petition.

(3) Continue the escrow account under this docket number.

FINDINGS:

Code of Virginia § 45.1-361.22

Applicant has certified and represented to the Board that:

(1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 1F & 1G as depicted upon the annexed Exhibit A-1; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Harrison-Wyatt L.L.C. and Darrell Hess and Herman Hess

RELIEF GRANTED:

VGOB Disbursement		Fractional	Net Acreage	Royalty	Escrowed	Percent of	
Unit AV100			Ownership	Ownership	Split	Acres	Escrowed Funds
VGO	3-04-0	720-1306-01	in Tract	inTract	Agreement	Disbursed	Disbursed
Table	1						-
Tract	s: 1F, 1	IG .					
	I						. <u>.</u>
Item	Tract	Disbursement Table					
		Total acreage in escrow before disbursement				13.96000	
	45	Track (F. (table) and the second				L	
	1F	Tract 1F (total acreage)	2.48				
1	1F	Harrison-Wyatt, LLC\PO Box 11000, Danville VA 24543		2.4800	50.00%	1.2400	8.8825%
2	1F	Darrell Hess\P.O. Box 324, Raven VA 24639		2.4800	50.00%	1.2400	8.8825%
	1G	Tract 1G (total acreage)	2.64				
1	1G	Harrison-Wyatt, LLC\PO Box 11000, Danville VA 24543		2.6400	50.00%	1.3200	9.4556%
2	1G	Herman Hess\1066 Tomahawk Rd., Rowe, VA 24646-9722		2.6400	50.00%	1.3200	9.4556%

^{1.} The Escrow Agent is ordered, to within ten (10) days of receipt of this executed order, disburse funds for the unit and applicants detailed in Table 1.

2. The Escrow Agent is ordered to continue the Escrow Account for the Subject Drilling unit based on the attached Revised Exhibit E which replaces all prior Exhibit E's recorded for the Subject Drilling Unit.

CONCLUSION:

Therefore, the requested relief and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

APPEALS:

Appeals of this Order are governed by the provisions of the Code of Virginia § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

DONE AND EXECUTED this 11 day of March, 2014 by a majority of the Virginia Gas and Oil Board.

8 Sury C. Jamber

Chairman, Bradley C. Lambert

DONE AND PERFORMED this 11 day of March, 2014 by Order of the Virginia Gas and Oil Board.

Rick Cooper

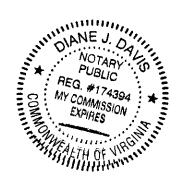
Rick Cooper Principal Executive to the staff, Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA COUNTY OF RUSSELL

Acknowledged on this // day of March, 20), personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and appeared Rick Cooper, being duly sworn did depose and say that he is Principal Executive to the staff of the Virginia Gas and Oil Board, that they executed the same and was authorized to do so.

Diane J. Davis, Notary ublic

My Commission expires: September 30, 2017



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 04-0720-1306-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 1F, 1G (2) AND AUTHORIZATION FOR DIRECT **PAYMENT OF ROYALTIES**

HEARING DATE: December 17, 2013

DRILLING UNIT: AV100

BUCHANAN COUNTY, VIRGINIA

PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS

1. Petitioner and its counsel

Petitioner is CNX Gas Company LLC, 2481 John Nash Blvd, Bluefield, WV 24701, (304)323-6500. Petitioner's counsel is Mark A. Swartz, Swartz Law Offices, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808..

2. Relief Sought

(1) the disbursement of escrowed funds deposited with the Board's Escrow Agent(s) attributable to Tract(s) 1F & 1G as shown on Exhibit A-1; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Harrison-Wyatt L.L.C. and Darrell Hess and Herman Hess.

3. Legal Authority

Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

4. Type of Well(s)

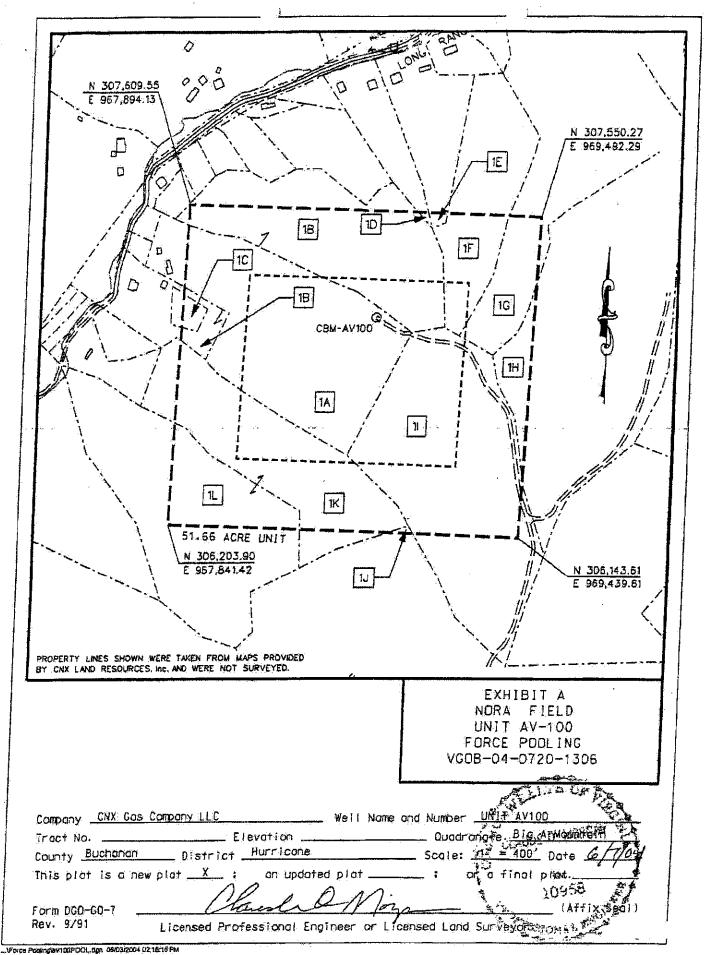
Coalbed Methane

5. Factual basis for relief requested

(1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 1F & 1G as depicted upon the annexed Exhibit A-1; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Harrison-Wyatt L.L.C. and Darrell Hess and Herman Hess

6. Attestation

The foregoing Petition to the best of my knowledge, information, and belief is true and correct.



CNX Gas Company LLC UNIT AV-100

Tract Identifications (51.66 Acre Unit)

1A. Harrison-Wyatt, LLC. (Big Axe Tr. 3) — Coal Island Creek Coal Company/Consolidation Coal Company - Coal Below Drainage Leased Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased CNX Gas Company LLC — CBM Leased Maggie I. Hale Heirs — Surface and All Minerals except Coal CNX Gas Company LLC — Oil, Gas and CBM Leased 12.90 acres 24.9710%

1B. Harrison-Wyatt, LLC. (Big Axe Tr. 3) - Coal

Island Creek Coal Company/Consolidation Coal Company - Coal Below Drainage Leased Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased CNX Gas Company LLC - CBM Leased Beulah B. Hess, et al - Surface and All Minerals except Coal 8.46 acres 16.3763%

1C. Harrison-Wyatt, LLC. (Big Axe Tr. 3) - Coal

Island Creek Coal Company/Consolidation Coal Company - Coal Below Drainage Leased
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased
CNX Gas Company LLC - CBM Leased
Joel D. Burke, et ux - Surface and All Minerals except Coal
0.29 acres
0.5614%

1D. Harrison-Wyatt, LLC. (Big Axe Tr. 3) – Coal island Creek Coal Company/Consolidation Coal Company - Coal Below Drainage Leased Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased CNX Gas Company LLC – CBM Leased Raymond Hess, et ux – Surface and All Minerals except Coal CNX Gas Company LLC – Oil, Gas and CBM Leased 0.04 acres . 0.0774%

1E. Harrison-Wyatt, LLC. (Big Axe Tr. 3) – Coal
Island Creek Coal Company/Consolidation Coal Company - Coal Below Drainage Leased
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased
CNX Gas Company LLC – CBM Leased
Harlis Hess, et ux – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
0.09 acres
0.1742%

1F. Harrison-Wyatt, LLC. (Big Axe Tr. 3) – Coal
Island Creek Coal Company/Consolidation Coal Company - Coal Below Drainage Leased
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased
CNX Gas Company LLC – CBM Leased
Darrell Hess, et al – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
2.48 acres
4.8006%

Page 1 of 2

June 9, 2004

CNX Gas Company LLC

UNIT AV-100

Tract identifications (51.66 Acre Unit)

1G. Harrison-Wyatt, LLC. (Big Axe Tr. 3) — Coal Island Creek Coal Company/Consolidation Coal Company - Coal Below Drainage Leased Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased CNX Gas Company LLC — CBM Leased Herman L. Hess, et al — Surface and All Minerals except Coal CNX Gas Company LLC — Oil, Gas and CBM Leased 2.64 acres 5.1103%

1H. Harrison-Wyatt, LLC. (Big Axe Tr. 3) – Coal Island Creek Coal Company/Consolidation Coal Company - Coal Below Drainage Leased Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased CNX Gas Company LLC – CBM Leased CNX Gas Company LLC – Surface and All Minerals except Coal 1.37 acres 2.6520%

Harrison-Wyatt, LLC. (Big Axe Tr. 3) – Coal Island Creek Coal Company/Consolidation Coal Company - Coal Below Drainage Leased Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased CNX Gas Company LLC – CBM Leased Raymond Hess, et ux – Surface and All Minerals except Coal CNX Gas Company LLC – Oil, Gas and CBM Leased 11.80 acres 22.8417%

1J. Harrison-Wyatt, LLC (Big Axe Tr. 3) - Coal Island Creek Coal Company/Consolidation Coal Co. — Coal Below Drainage Leased Jewell Smokeless Coal Corp. — Coal Above Jawbone Seam Leased CNX Gas Company LLC — CBM Leased R.W. Helton Heirs — Surface and All Minerals except Coal CNX Gas Company LLC — Oil, Gas and CBM Leased 0.05 acres 0.0968%

1K. Harrison-Wyatt, LLC (Big Axe Tr. 3) - Coal Island Creek Coal Company/Consolidation Coal Co. — Coal Below Drainage Leased Jewell Smokeless Coal Corp. — Coal Above Jawbone Seam Leased CNX Gas Company LLC — CBM Leased R.W. Helton Heirs — Surface and All Minerals except Coal CNX Gas Company LLC — Oil, Gas and CBM Leased 7.99 acres 15.4665%

1L. Harrison-Wyatt, LLC. (Big Axe Tr. 3) - Coal Island Creek Coal Company/Consolidation Coal Company - Coal Below Drainage Leased Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased CNX Gas Company LLC - CBM Leased CNX Gas Company LLC - Surface and All Minerals except Coal 3.55 acres 6.8718%

Page 2 of 2

June 9, 2004

VGOB Disbursement		Fractional	Net Acreage	Royalty	Escrowed	Percent of	Disbursement	
Unit AV100			Ownershi p	Ownership	Split	Acres	Escrowed Funds	
VGOB-04-0720-1306-01			in Tract	inTract	Agreement	Disbursed	Disbursed	
Table 1				<u> </u>				
Tract	s: 1F, 1	IG						
	,	<u> </u>						
Item	Tract	Disbursement Table						
		Total acreage in escrow before disbursement				13.96000		
	1F	Tract 1F (total acreage)	2.48					
1	1F	Harrison-Wyatt, LLC\PO Box 11000, Danville VA 24543	·	2.4800	50.00%	1.2400	8.8825%	\$2,030.22
2	1F	Darrell Hess\P.O. Box 324, Raven VA 24639		2.4800	50.00%	1.2400	8.8825%	
	1G	Tract 1G (total acreage)	2.64					
1	1G	Harrison-Wyatt, LLC\PO Box 11000, Danville VA 24543		2.6400	50.00%	1.3200	9.4556%	\$2,161.20
2	1 <u>G</u>	Herman Hess\1066 Tomahawk Rd., Rowe, VA 24646-9722		2.6400	50.00%	1.3200	9.4556%	\$2,161.20

Wells contributing to the escrow account: CBM AV100 W/PL

Exhibit: E Unit AV-100 Docket #VGOB 04-0720-1306-01 List of Conflicting Owners/Claimants that require escrow (\$1.68 Acre Unit)

was in the same of	Acres In Unit	Percent of Unit
Tract #18 - 8.46 acres		
COAL OWNERSHIP		
(1) Marrison-Wyalt, LLC Big-Axe Tr. 3 P.O. Box 11000 Darwille, VA 24543	8:46° acres	16.37639
OIL & GAS OWNERSHIP		
(1) Beulan B. Hess, et al (13.4 Aere Track)	8.46 acres	16:3763%
(a) James Coy Hess	Conveyed by DB 276/144 to Ders	ie Hess 10/15/1980
(a.1) Dorsle Hess Heirs, Devisees, Successors or Assigns		
(a.1.1) Beulah Boyd Hess	Life Estate	
(a.1.1.1) James C. Hess PO Box 119 Rowe, VA 24646	1:69 acres 1/5 ef 8:46 acres	3.2753%
(a.1.1.2) Allen Hess Rt 2 Box 54C Honaker, VA 24260	1,69 acres 1/5 of 8.46 acres	3.2753%
(a.1.1.3) Regina Reynolds HC 65 Box 149 Rowe, VA 24646	1.69 acres 1/5 of 8.46 acres	3.2753%
(a.1.1.4). Brenda Burke Box 33 Rowe, VA 24646	1.69 acres 1/5 of 8.46 acres	3.2753%
(a:1.1.5): Timothy Hess. Rt 5 Box 1210 Grundy, VA 24814	1.69 acres 1/5 of 8.46 acres	3.2753%
ract #1C - 0.29 acres		
COALOWNERSHIP		
(1) Harrison-Wyatt, LLC Big Axe Tr. 3 P.O. Box 11000 Danville, VA 24543	0.29 acres	0.5614%
OIL & GAS OWNERSHIP		
(4) Joel D. Burke, et ux. Box 33 Rowe, VA. 24646	0.29 acres	0.5614%
act #1E - 0.09 acres		
COAL OWNERSHIP		
(1) Harrison-Wyait, LLC Big Axe Tr. 3 P.O. Box 11000 Canville, VA 24543	.0.09 acres	0.1742%
OIL & GAS OWNERSHIP		
(1) Hartis Hess, et ux. P.O. Box 40 Rosedale, VA. 24280	0.09 ácres	0.1742%
	TOTAL CONFLICTS	È
_	Acreage in Unit 8.84	
'	Percentage of Unit	17.1119%

10/6/2013

Page 1 of 1

Exhibit EE

Unit AV-100 Docket #VGOB 04-0720-1306-01 List of Conflicting Owners/Clalmants with Royalty Split Agreements (51.66 Acre Unit)

s 24.9710%	'n/a
	'n/a
	'n/a
01.07400/	
01:07:00	
24,9710%	
4.1618% 90 açrès	n/a
4.1618% 90 acres	n/a
4.1618% 30 acres	n/a
0.0774%	n/a
0.0774%	n/a
	90 acres 4.1618%

Page 1 of 5

10/6/2013

Exhibit EE Unit AV-100

Docket #VGOB 04-0720-1306-01

List of Conflicting Owners/Clalmants with Royalty Split Agreements (51.66 Acre Unit)

	Acres in Unit	Percent of Unit	Percent of Escrow
Tract #1F - 2.48 acres			
COAL OWNERSHIP			
(1) Harrison-Wyatt, LLC Big Axe Tr. 3 P.O. Box 11000 Danville, VA 24543	2.48 acres	4.8006%	8.8825%
OIL & GAS OWNERSHIP			
(1) Darrell Hess, et al. (12 Acre Tract)			
(a) Olbert Hess Heirs, Devisees, Successors or Assigns			
(a.1) Darrell & Loretta Hess P.O. Box 324 Raven, VA 24639	2.48 acres	4.8006%	8.8825%
Tract #1G - 2.64 acres			
COAL OWNERSHIP			
(1) Hamson-Wyatt, LLC Big Axe Tr. 3 P.O. Box 11000 Danville, VA 24543	2,64 acres	5.4103%	9.4556%
OIL & GAS OWNERSHIP			
(1) Herman L. Hess, et al. (12 Acre Tract)			
(a) Herman L. & Eva Christine Hess 1066 Tomahawk Rd. Rowe, VA 24648-9722	2.64 acres	5.1103%	9.4556%
(b) Olbert Hess 1066 Tomahawk Rd Rowe, VA 24646-9722	Life Estate		
ract #1H - 1.37 acres			
COAL OWNERSHIP			
(1) Harrison-Wyatt, LLC Big Axe Tr. 3 P.O. Box 11000 Danville, VA 24543	1.37 acres	2.6520%	nla
OIL & GAS OWNERSHIP			
(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317-6506	1.37 acres	2.6520%	n/a

Page 2 of 5

10/6/2013

Exhibit EE

Unit AV-100

Docket #VGOB 04-0720-1306-01

List of Conflicting Owners/Claimants with Royalty Split Agreements (51.66 Acre Unit)

		Acres in Unit	Percent of Unit	Percent of Escrov
oct #11 - 11.80 acres		· · · · · · · · · · · · · · · · · · ·		
COAL OWNERS	<u>HIP</u>			
(1) Harrison- Big Axe 1 P.O. Box Danville, '	т. Э	11.80 acres	22.8417%	n/a
OIL & GAS OW	NERSHIP.			
	Hess, et ux. Branch Rd. 24646	11.80 acres	22.8417%	n/a
ct #1J - 0.05 acres				
COAL OWNERS	<u> IIP</u>			
(1) Harrison-V Big Axe Ti P.O. Box 1 Danville, V	. 3 1000	0.05 acres	0.0968%	n/a
OIL & GAS OWN	<u>IERSHIP</u>			
		0.05 acres	0.0968%	
(a) Judie D. Mi	ller Heirs, Devisees, Successo	rs or Assigns		
	a Troutt Greenwood sville, OH 43701-5644	0.003 acres 1/15 of 0.05 acres	0.0065%	n/a
1612	s Davis Hindel 5 St. Rt. 60 len, OH 43082	0.003 acres 1/15 of 0.05 acres	0.0065%	n/a
	Miller Stephens Lane sville, OH 43701-5644	0.003 acres 1715 of 0.05 acres	0.0065%	n/a
(b) B. Bernice I 2301 Potts I Zanesville, (0.010 acres 1/5 of 0.05 acres	0.0194%	n/a
(c) Connie E. M 1334 Coope Zanesville, (0.010 acres 1/5 of 0.05 acres	0.0194%	n/ a
(d) Ray M. Gros 1007 Arch S		0.010 acres 1/5 of 0.05 acres	0.0194%	n/a

Page 3 of 5

Exhibit EE Unit AV-100

Docket #VGOB 04-0720-1306-01

List of Conflicting Owners/Claimants with Royalty Split Agreements (\$1.68 Acre Unit)

4		Acres in Unit	Percent of Unit	Percent of Escrow
	(e.1) Shirrey L. Gross 939 Talley Avenue Zanesville, OH 43701-5644	0.010 acres 1/5 of 0.05 acres	0.0194%	n/a
Tract #1K - 7.99	acres			
COAL	. OWNERSHIP			
(1)	Harrison-Wyatt, LLC Big Axe Tr. 3 P.O. Box 11000 Danville, VA 24543	7.99 acres	15.4665%	rila
OIL 8	GAS OWNERSHIP			
(1)	R. W. Helton Heirs, Devisees, Successors or Assigns (Ollie Gross Heirs) (55 Acre Tract)	7.99 acres	15.4665%	
(a)	Judie D. Miller Heirs, Devisees, Successors	or Assigns		
	(a.1) Teresa Troutt 1137 Greenwood Zanesville, OH 43701-5644	0.533 acres 1/15 of 7.99 acres	1.0311%	n/a
	(a:2) Tracie S. Davis Hindel 16125 St. Rt. 60 Dresden, OH 43082	0.533 acres 1/15 of 7:99 acres	1.0311%	n/a
	(a.3) Chad Miller 1575 Stephens Lane Zanesville, OH 43701-5644	0.533 acres 1/15 of 7.99 acres	1.0311%	.n/a
(b)	B. Bemice Durst 2301 Potts Lane Zanesville, OH 43701-5644	1.598 acres 1/5 of 7.99 acres	3,0933%	n/ā
• •	Connie E. McGilton 1334 Coopermiil Road Zanesville, OH 43701-5644	1.598 acres 1/5 of 7.99 acres	3,0933%	n/a
	Ray M. Gross 1007 Arch Street Zanesville, OH 43701-5644	1.598 acres 1/5 of 7.99 acres	3.0933%	n/a
(e)	Carlos L. Gross Heirs, Devisees, Successors,	or Assigns		
	(e.1) Shirrey L. Gross 939 Talley Avenue Zanesville, OH 43701-5644	1.598 acres 1/5 of 7:99 acres	3.0933%	n/a

Exhibit EE Unit AV-100 Docket #VGOB 04-0720-1306-01

List of Conflicting Owners/Claimants with Royalty Split Agreements (51.66 Acre Unit)

		Acres in Unit	Percent of Unit	Percent of Escrow
Tract #1L - 3.55	acres			
COAL	. OWNERSHIP			
(1)	Hamson-Wyatt, LLC Big Axe Tr.:3 P.O. Box:11000 Danville, VA 24543	3.55 acres	6.8719%	n/a
OIL 8	GAS OWNERSHIP			
(1)	CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317-6506	3.55 acres	6.8719%	n/a

TOTAL CONFLICTS RESOLVED:

Acreage in Unit

42.82

Percentage of Unit

82.8881%

RECORDED IN THE CLERK'S OFFICE OF BUCHANAN COUNTY ON MARCH 31, 2014 AT 02:43PM

BEVERLY S. TILLER, CLERK RECORDED BY: GGB